

NOV 29 2004

PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/712,942
	Filing Date	November 13, 2003
	First Named Inventor	Thomas J. Kennedy, III
	Art Unit	3711
	Examiner Name	R. Gordon
	Attorney Docket Number	P-4628-3-C1-3-D1
Total Number of Pages In This Submission		4

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	The Top-Flite Golf Company		
Signature	<i>Michelle Bugbee</i>		
Printed name	Michelle Bugbee		
Date	November 29, 2004	Reg. No.	42,370

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Michelle Bugbee</i>		
Typed or printed name	Michelle Bugbee	Date	November 29, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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P.2/4

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Effective on 10/01/2004. Patent fees are subject to annual revision.

# FEE TRANSMITTAL

## For FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) **340.00**

### Complete if Known

Application Number **10/712,942**  
Filing Date **November 13, 2003**  
First Named Inventor **Thomas J. Kennedy, III**  
Examiner Name **R. Gorden**  
Art Unit **3711**  
Attorney Docket No. **P-4628-3-C1-3-D1**

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order

☒ Deposit Account ☐ None

Deposit Account Number **17-0150**  
Deposit Account Name **Top-Flite Golf Company**

The Director is hereby authorized to: (check all that apply)

- ☒ Charge fee(s) indicated below  
☐ Charge fee(s) indicated below, except for the filing fee  
☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  
☒ Credit any overpayments

to the above-identified deposit account.

☐ Other (please identify):

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)
Utility Filing Fee	790	395	
Design Filing Fee	350	175	
Plant Filing Fee	550	275	
Reissue Filing Fee	790	395	
Provisional Filing Fee	160	80	

Subtotal (1) \$ **0**

### FEE CALCULATION (continued)

#### 2. EXTRA CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20	18	9
Each independent claim over 3	88	44
Multiple dependent claims	300	150
For Reissues, each claim over 20 and more than in the original patent	18	9
For Reissues, each independent claim more than in the original patent	88	44

Total Claims **20** or HP = **20** x **18** = **360**  
HP = highest number of total claims paid for, if greater than 20

Indep. Claims **3** or HP = **3** x **88** = **264**  
HP = highest number of independent claims paid for, if greater than 3

Multiple Dependent Claims **300** Fee Paid (\$)

Subtotal (2) \$ **0**

#### 3. OTHER FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)	Fee Paid (\$)
1-month extension of time	110	55	
2-month extension of time	430	215	
3-month extension of time	980	490	
4-month extension of time	1,530	765	
5-month extension of time	2,080	1,040	
Information disclosure stmt. fee	180	180	
37 CFR 1.17(q) processing fee	50	50	
Non-English specification	130	130	
Notice of Appeal	340	170	<b>340.00</b>
Filing a brief in support of appeal	340	170	
Request for oral hearing	300	150	
Other:			

Subtotal (3) \$ **340.00**

### SUBMITTED BY

Signature **Michelle Bugbee**  
Name (Print/Type) **Michelle Bugbee**

Registration No. **42,370**  
(Attorney/Agent)

Telephone **413-322-2937**

Date **November 29, 2004**

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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NOV 29 2004

**P-4628-3-C1-3-D1 PATENT**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of Thomas J. Kennedy, III et al.

Serial No.: 10/712,942

Examiner: R. Gorden

Filing Date: November 13, 2003

Group Art Unit: 3711

For: MULTI-LAYER GOLF BALL

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD**  
**OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from a decision of the Primary Examiner mailed September 27, 2004 finally rejecting claims 10 to 28.

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

— deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

**FACSIMILE**

XX transmitted by facsimile to the Patent and Trademark Office to Examiner R. Gorden in TC3700 at 703-872-9306.

Date: November 29, 2004

  
Michelle Bugbee

10/712,942

P-4628-3-C1-3-D1

The items checked below are appropriate:

**1. STATUS OF APPLICANT**

XX This application is on behalf of other than a small entity.

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. § 1.17(e), the fee for filing the Notice of Appeal is:

XX other than small entity \$340.00

**3. EXTENSION OF TERM**

\_\_\_\_ Applicant hereby petitions for an additional \_\_\_\_ month extension of time under 37 C.F.R. § 1.136, thereby extending the period for response to \_\_\_\_\_.

**4. TOTAL FEES DUE**

The total fee due is:

Notice of Appeal Fee: \$340.00

Extension of Time Fee: \$ 0.00

**5. FEE PAYMENT**

Please charge Deposit Account No. **17-0150** in the amount of \$340.00 as indicated on the Fee Transmittal. If any additional extension and/or fee is required, this is a request therefor and authorization to charge Deposit Account No. **17-0150**.

Respectfully submitted,

THOMAS J. KENNEDY, III ET AL.

Customer No. 24492  
(413)322-2937

Date: November 29, 2004

By Michelle Bugbee  
Michelle Bugbee, Reg. No. 42,370  
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